

7. (APPLICATION FOR RIGHT-OF-WAY EASEMENT, RICHARDSON BAY, MARIN COUNTY, LEON STUDIOS - W. O. 2518, P.R.C. 1895.1.)

Following presentation of Calendar Item No. 18 attached, the Executive Officer presented a map to the Commission showing the area in question.

Mr. David Gideon, attorney representing the applicant, appeared and urged that the permit be granted immediately, rather than waiting until after action is taken by the Legislature, on the basis that the City of Sausalito has already approved of the project and has indicated that it has no objections to the State's granting such a permit. He stated that a question of timing was involved, and that if it were going to be necessary to wait until after A.B. 323 was enacted, work probably would be held up well into September. Mr. Gideon further stated that he had talked with Assemblyman McCollister, the sponsor of A.B. 323, who had informed him that he did not feel that he was in a position to take any stand on the matter.

There were no appearances in opposition to issuance of the permit. However, the Executive Officer reported that several letters had been received objecting to the project, these being based largely on the fact that the view of certain private property owners would be obstructed, or that existing traffic hazards probably would be increased.

A brief discussion followed, during which Deputy Attorney General Jay Shavelson, in response to a question by the Commission, stated that he saw no reason, if the City of Sausalito did not object, for not proceeding immediately to issue the permit.

The Executive Officer then changed the staff's recommendation, indicating that, on the basis of the discussion, he favored immediate issuance of the permit.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE TO LEON STUDIOS A RIGHT-OF-WAY EASEMENT APPROXIMATELY 390 FEET IN LENGTH, FOR THE FULL WIDTH OF BRIDGEWAY AND FOR A WIDTH OF 30 FEET ADJACENT TO THE NORTHERLY BOUNDARY OF MAIN STREET, UNDERWATER STREETS IN RICHARDSON BAY, MARIN COUNTY, WITHIN THE CITY OF SAUSALITO AND OUTSIDE THE 1951 GRANT TO THAT CITY, FOR THE CONSTRUCTION OF AND MAINTENANCE AND USE AS A PUBLIC THOROUGHFARE FOR VEHICULAR TRAFFIC, SAID EASEMENT TO BE FOR A PERIOD NOT IN EXCESS OF FORTY-NINE YEARS, AT A TOTAL RENTAL FOR THE FULL PERIOD OF \$58.50.

Attachment

Calendar Item 18 (1 page)

SUPPLEMENTAL

18.

(APPLICATION FOR RIGHT-OF-WAY EASEMENT, RICHARDSON BAY, MARIN COUNTY, LEON STUDIOS - W.O. 2518.)

Application has been received from Leon Studios for a right-of-way easement over certain underwater street areas in Sausalito, outside of the area granted to that City by Chapter 913, Statutes of 1951. The area applied for lies in Bridgeway and Main Street, that in Bridgeway being 25 feet in width and 300 feet in length, and that in Main Street being 20 to 30 feet in width and approximately 90 feet in length, a total length in the two streets of 390 feet, more or less. The purpose of the proposed easement is to enable the construction, maintenance and use as a public thoroughfare for vehicular traffic, the roadway to be an elevated concrete slab. An Army permit has been issued by the Corps of Engineers. Rental for a period not in excess of 49 years would be \$58.50. Filing fee has been paid.

The application was presented after a two-hour conference on February 19, 1957, with the legal representative of Leon Studios, Mr. David B. Gideon. As a result of that conference, the Executive Officer wrote a letter to Mr. Gideon in which the following statement was made:

"On the basis of the plans, specifications and other evidence presented, I am disposed to recommend to the State Lands Commission that an easement be issued to cover the State lands involved."

Subsequently it came to the attention of the staff that Assembly Bill 323 had been introduced and would shortly be considered by the Legislature. This bill, if approved, will grant to the City of Sausalito all those tide and submerged lands within the corporate limits of that City at the time of approval. The area covered by the present application for easement lies within the corporate limits of the City, outside of an existing grant but within the area proposed to be granted by Assembly Bill 323.

More recently the staff has been informed that the City of Sausalito has acted on the matter of the issuance of a building permit and has approved an encroachment permit on one of the adjoining streets involved in this project.

In view of this situation and of the pendency of probably favorable action on Assembly Bill 323, the staff cannot recommend immediate action on the application of Leon Studios.

IT IS RECOMMENDED THAT ACTION ON THE APPLICATION OF LEON STUDIOS FOR A RIGHT-OF-WAY EASEMENT OVER CERTAIN UNDERWATER STREETS IN SAUSALITO, CALIFORNIA, BE DEFERRED PENDING THE OUTCOME OF ASSEMBLY BILL 323 OR OF ANY OTHER BILLS WHICH AFFECT THE BOUNDARIES OF THE LEGISLATIVE GRANTS TO THAT CITY.